

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT MARTIN,

Petitioner,

v.

OHIO ADULT PAROLE BOARD,

Respondent.

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CASE NO. 3:17CV2675

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND
ORDER**

I.

Petitioner Robert Martin, an Ohio prisoner proceeding *pro se*, has filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#). [ECF No. 1](#). To the extent the Petition is comprehensible, Petitioner challenges the decision of the Ohio Adult Parole Authority to deny him parole after his parole was revoked in 1985. *See id.*

II.

Promptly after the filing of a petition for a *writ of habeas corpus*, the Court must undertake a preliminary review of the petition to determine whether “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” [Rule 4 of the Rules Governing § 2254 Cases](#); *see also* [28 U.S.C. § 2243](#). If so, the petition must be summarily dismissed. *See Allen v. Perini*, [424 F.2d 134, 141 \(6th Cir.1970\)](#) (the district court has a duty to “screen out” *habeas corpus* petitions that lack merit on their face). A dismissal under [Rule 4](#) is appropriate for petitions that raise legally frivolous

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claims as well as those containing factual allegations that are palpably incredible or false.

[Carson v. Burke](#), 178 F.3d 434, 436 37 (6th Cir. 1999).

III.

Upon review, the Court finds that the Petition ([ECF No. 1](#)) is frivolous and must be dismissed.

Under the Constitution, there is no right to parole or early release. [Greenholtz v. Neb. Penal Inmates & Corr. Complex](#), 442 U.S. 1, 11, 99 S. Ct. 2100, 2106, 60 L.Ed.2d 668 (1979).

Furthermore, the Sixth Circuit has already found Petitioner barred from challenging a prior denial of parole following his 1985 parole revocation. See [Martin v. Ohio Adult Parole Auth.](#), Case No. 16-4710 (6th Cir. Apr. 6, 2017).

IV.

Accordingly, the Petition ([ECF No. 1](#)) is denied and this action is summarily dismissed pursuant to [Rule 4 of the Rules Governing Section 2254 Cases](#). The Court further certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

April 23, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge